

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Obed Alvarado Merced

v.

Civil No. 15-cv-313-PB

Warden Esker L. Tatum, Jr.,  
Federal Correctional Institution,  
Berlin, New Hampshire

**SUPPLEMENTAL REPORT AND RECOMMENDATION**

On March 14, 2016, this court issued a Report and Recommendation (doc. no. 5) ("March 14 R&R"), recommending that the district judge dismiss the 28 U.S.C. § 2241 petition (doc. no. 1) filed by federal prisoner Obed Alvarado Merced. Alvarado Merced has now filed a document (doc. no. 6) that has been docketed in this case as a petition addendum. That petition addendum has been forwarded to this court for preliminary review.<sup>1</sup>

**Discussion**

The petition addendum is a handwritten duplicate copy of the petition previously filed, to which Alvarado Merced has attached a number of documents for the court's consideration in

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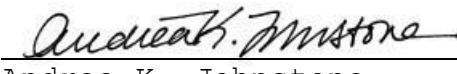
<sup>1</sup>In conducting this preliminary review, the court applies the same standard set forth in the March 16 R&R.

this matter. Those documents shed light on the bases upon which Bureau of Prisons ("BOP") officials decided Alvarado Merced's security level, and reasons for transferring him from a minimum security facility to the Federal Correctional Institution in Berlin, New Hampshire ("FCI-Berlin"), a medium security facility.

Alvarado Merced, in his original petition (doc. no. 1), asserted that his transfer to FCI-Berlin violated his due process rights, was discriminatory, and constituted unprofessional conduct by BOP employees. While the factual information contained in the petition addendum explains, in more detail, the events that gave rise to Alvarado Merced's filing of this action, the new information does not demonstrate that Alvarado Merced's rights have been violated, for the reasons fully explained in the March 14 R&R.

Accordingly, the petition addendum (doc. no. 6) fails to state a cognizable claim, and the claims intended to be asserted in that addendum should be dismissed. Any objections to this Supplemental Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b) (2). Failure to file objections within the specified time waives the right to appeal the district court's order. See

Garayalde-Rijos v. Mun. of Carolina, 747 F.3d 15, 21-22 (1st Cir. 2014).

  
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Andrea K. Johnstone  
United States Magistrate Judge

June 14, 2016

cc: Obed Alvarado Merced, pro se